



THE CITY OF SAN DIEGO

CITIZENS' EQUAL OPPORTUNITY COMMISSION

MINUTES

Wednesday, March 7, 2012

6:00 p.m. – 8:00 p.m.

At

City of San Diego – City Hall

202 C Street

San Diego, CA 92101

12th floor Committee Room

COMMISSIONERS PRESENT:

Jon Cloud

Monte Jones

Gregg Torwick

Juan Gallegos

Jay M. Montenegro

Laura Warner

COMMISSIONERS ABSENT

Stamp Corbin, Vice Chair Jason Craparo

Ron T. Cho

Dr. Shirley Weber, Chair

MAYOR'S STAFF & Guests:

Henry Foster, Equal Opportunity Contracting Program Manager

Denise Sandoval, Administration Department Executive Secretary

James Nagelvoort, Assistant Director/City Engineer, Public Works & Engineering and Capital Projects,

Carmen Vann, Project Executive, Turner Construction

Wendell Stemley, CEO, Black IPO, Inc.

Vera Howell, Community Affairs, Turner Construction

CALL TO ORDER: The meeting was called to order at 6:30 p.m. by Monte Jones, Presiding Meeting Chair. All Commissioners introduced themselves for the record.

MINUTES APPROVAL: Agenda unanimously approved. Minutes from February 1, 2012 approved unanimously. (6-0)

STAFF REPORT: Henry Foster, EOC Program Manager

Staff deferred their time to the action items section of the agenda

Action Items:

- **21st Century Capital Improvement Process: Streamlining and Transparency**
Presented by James Nagelvoort (handouts provided)
 - Increase Mayors Contracting Authority - \$30 Million
 - Increase Mayors Authority on Construction Change Order, Consulting (A&E), Job Order Task Thresholds
 - Amend Design Build Ordinance to Allow for MACC – Mandatory SLBE Goals and No Good Faith Effort
 - Clarify Council Policies for Park and Rec.
 - Clarify Muni code for Bid Protest
 - Cleaning up Duplication with the Site Development Process and SEQUA Process
 - History of Community Outreach/Stakeholder Meetings
 - New Draft Council Policy regarding CIP Transparency
 - Requirements of What Needs to go to Council for CIP Budget Approval Including Proposed Budget for Following Year.
 - Provide a State of the CIP Address Every 6 Months
 - Create a robust website
 - Generate/Create (by Public Works) 3 industry Quarterly Stakeholder Public Meetings (*Contractors, Consultants, SLBE's etc...*) to discuss job opportunities and doing business with the City
 - Commitment by James Nagelvoort to CEOC to call on him, on a monthly basis, to attend CEOC Meetings
 - Boiler Plate Language for Request for Proposal
 - CIP Website PowerPoint Sample

There was discussion regarding the website (directed to be up on 5/3/2012 with continuous updates) information such as: project specific information, overall cumulative information on a monthly basis, goals, SLBE participation and MACC.

Commissioner Gallegos expressed his interest in helping with the quarterly stakeholders meetings as far as, identifying community groups for participation.

Staff informed the Commissioners that included in their handouts are the notes from the stakeholders meetings, a list of all stakeholders that attended the meetings and the current status on the Streamlining item and MACC from the Stakeholders. All organizations were invited but not all participated. Dr. Weber did participate in 2 of the Stakeholder meetings and the Budget & Finance Committee meetings.

Public Comment:

Mr. Wendell Stemley: Addressed the Commission regarding the Mandatory Goals and stressed the importance of following through with what is presented and adopted by Council in order to avoid any miscommunications in regards to the MACC program.

Commissioner Torwick inquired about the MACC proposal and when it would be ready.

Staff indicated that the RFP for the MACC has not been developed. Staff indicated after Council approves the ordinance RFP and implementation requirements will be developed in approximately 3 months. Staff will present RFT to the Commission.

Commissioner Warner made a Motion to hold a special meeting in order to draft a statement/document to be presented at the Council Meeting on March 20th, 2012 regarding the CEOC recommendations.

Motion was 2nd by Commissioner Cloud and the Motion passed unanimously.

- **Black IPO Construction and the San Diego New Central Library Project Agenda Public Comment**

- Staff informed the Commission that they have all received the information that was actually given to Council on the day that the New Central Library Project was accepted by Council, as requested in the previous meeting. *(Tab 5 – Turner Constructions GMP Proposal to City Council 2010)*

Agenda Public Comment:

- ***Carmen Vann, Turner Construction***
 - Plans in resolving the Black IPO issue are progressing
 - Black IPO will be adding another employee to the Auditorium phase site of the New Central Library Project
- ***Wendell Stemley, Black IPO***
 - Confirmed that Turner Construction and Black IPO are making progress on resolving matters. It has been discussed that Black IPO will be managing approximately 4 million dollars worth of contracts for the New Central Library Project.
- ***Carmen Vann, Turner Construction***
 - Clarification was made that Black IPO will be actively managing a little more than 4 million dollars but, his contract will not be for 4 million dollars as Black IPO will be adding staff to supplement Turner Construction staff.
- ***Wendell Stemley, Black IPO***
 - Expressed the need for support of the Small Local & Emerging Local Business Enterprise programs throughout the City of San Diego. Mr. Stemley urged the Commission to support Non- Good Faith Effort based programs. He asked that

Staff be held accountable for the specifications that go into the projects.

Commissioner Warner inquired about the getting information regarding, what the Disparity Study is and why it will help in creating better regulations and more diversity in contracting. She also requested recommendations from Staff in avoiding this situation in the future.

Commissioner Jones requested information on other California jurisdictions in the Small Local & Emerging Local Business Enterprise programs?

Staff will make sure that the commission receives information on Prop 209 and recommend that the commission request that the City Attorney to come and discuss Prop 209.

Commissioner Jones requested that the agenda items be taken to next months meeting and also requested that the City Attorney come and speak on the debarment process.

COMMISSIONER ANNOUNCEMENTS/COMMENTS: None

CHAIR'S REPORT: None

ADJOURNMENT: Unanimous Vote to adjourn at 8:05 PM

NEXT MEETING: April 4, 2012.

Materials Provided:

- Minutes from February 1, 2012
- 21st Century Capital Improvement Process: Streamlining and Transparency
 - Municipal Code Ch2, Article 2, Div 31
 - Municipal Code Ch2, Article 2, Divisions 30,31,and 32
 - Municipal Code Ch2, Article 2, Div 33
 - CP 000-29 Bid Protest
 - New Council Policy for CIP Transparency
 - Flow Chart of Current Process for Design Bid Build vs. MACC
 - Stakeholder Outreach History
 - Request for Quote and Request for Proposal
- PowerPoint CIP Website Model
- Docket Supporting Information (B-Page Sample)
- Public Works Stakeholder Group Meeting Minutes (2/13/2012)
- Bid & Award Process Flow Chart Without Acronyms
- Tab 5 – Turner Constructions GMP Proposal to City Council 2010
- San Diego New Central Library SLBE/DBE/MBE/WBE/DVBE Participation